

REMARKS

Claims 8 to 14 are pending.

Reconsideration is respectfully requested based on the following.

It is noted that essentially corresponding claims have been allowed in the corresponding European application.

Claims 8 to 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 01/26337 to “Gelvin et al.”

As to obviousness, in rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Applicant does not understand why the Final Office Action refers in this case to the MPEP section 2144.04 (II) to assert that “the omission of an element and its function is obvious if the function of the element is not desired,” and that “if one of the networks taught by Gelvin is not needed, then it would not be desired and thus obvious to omit.” The Final Office Action has acknowledged that “Gelvin does not explicitly teach routing messages between only two subnetworks.”

Claim 8 provides for “a gateway unit configured to connect at least two subsystems, wherein the gateway unit is made of at least one modular software gateway, which routes messages between *only two subnets*.” These software gateways only route information between two networks. In this regard, the specification in the present application explains that “[i]f each subnet is to be connected to each other subnet, $N*(N-1)/2$ logical software gateways are needed, where variable N is the number of subnets in the overall system. Thus, for three subnets, there will be three logical software gateways; for four subnets there will be six, and for five subnets there will be ten logical software gateways.” (See specification pg. 4, lines 20 to 23).

It is respectfully submitted that the features of claim 8 are not identically disclosed (nor even suggested) by the “Gelvin” reference. In fact, Fig. 2 in “Gelvin” only indicates that a single gateway node 104 is connected to a multiplicity of nodes, including node 3, node 4, node 7, and the internet. Accordingly, claim 8 is allowable since the reference does not identically disclose (nor even suggest) the feature of “at least one modular software gateway which routes messages between only two subnets,” as provided for in the context of the claimed subject matter.

Claims 9 to 13 depend from claim 8, and are therefore allowable for at least the same reasons as claim 8.

Like claim 8, claim 14 provides for “a gateway unit configured to connect at least two subsystems, the gateway unit being integrated in a control unit having an application system and being provided in one layer of a communication system of the vehicle, the gateway unit including at least *one modular logical gateway*, the logical gateway connecting *only two* subsystems.”

The Office Action cites IP Router 502 as “at least one modular logical gateway”, and cites Figure 3 as “the logical gateway connecting exactly two subsystems.” The Final Office Action asserts that since the “only gateway referred to previously in Gelvin is gateway 302,” it follows that “gateway 302 reads on the claimed gateway unit and the IP router 502 reads on the ‘at least one modular gateway’ included on the gateway unit.” However, Fig. 1 and Fig. 2 in “Gelvin” refer to gateway unit 104. The “Gelvin” reference therefore does not identically disclose that the IP Router 502 corresponds to the Gateway 302. Regardless, the features of claim 14 are not identically disclosed (nor suggested) by the “Gelvin” reference. The Final Office Action has acknowledged that “Gelvin does not explicitly teach routing messages between only two subnetworks.” As explained herein, these software gateways only route information between two networks. The specification in the present application explains that “[i]f each subnet is to be connected to each other subnet, $N*(N-1)/2$ logical software gateways are needed, where variable N is the number of subnets in the overall system.” (See *specification* pg. 4, lines 20 to 23). Accordingly, the features of claim 14 are not identically disclosed (nor suggested) by the “Gelvin” reference. In fact, Fig. 2 in “Gelvin” only indicates that a single gateway node 104 is connected to a multiplicity of nodes, including node 3, node 4, node 7, and the internet.

Accordingly, claim 14 is allowable since the reference does not identically disclose (nor even suggest) the feature of “at least *one modular logical gateway*, the logical gateway

connecting *only two* subsystems," as provided for in the context of the claimed subject matter.

In summary, claims 8 to 14 are allowable.

CONCLUSION

In view of the foregoing, all pending claims are allowable. It is therefore respectfully requested that the and rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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